



Bart L. Graham
Commissioner

State of Georgia
Department of Revenue

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Director

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Atlanta, Georgia 30345
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NOTICE
(Notice ATD 2010-13)

**RE: Proposed Rules to the Department of Revenue, Alcoholic Beverages,
Chapter 560-2-13.**

TO ALL INTERESTED PERSONS AND PARTIES:

In compliance with O.C.G.A. § 50-13-4, the Georgia Department of Revenue gives notice that it proposes to amend Chapter 560-2-13 of the Rules and Regulations of the State of Georgia by proposing:

- 560-2-13-.01, entitled "Alcoholic Beverage Catering; Qualifications."
- 560-2-13-.02, entitled "Requirements; Restrictions; Prohibitions."
- 560-2-13-.03, entitled "Transportation and Delivery."
- 560-2-13-.04, entitled "Violations."

Attached with this notice are exact copies and synopses of the proposed Rules. The proposed Rules are being adopted under the authority of O.C.G.A. §§ 3-2-2, 3-3-1, 3-3-5, 3-4-5, 3-4-22, 3-5-25.1, 3-6-21 and 3-11-5

The Department of Revenue shall consider the adoption of the above-referenced proposed Rules at 10:00 a.m., on Tuesday, March 30, 2010 in Suite 15200 of the Department's headquarters at 1800 Century Blvd. NE, Atlanta, GA 30345-3205.

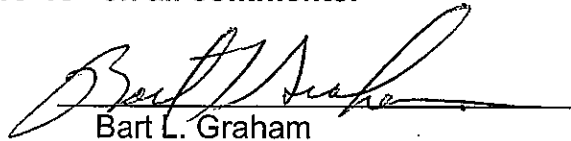
The Department must receive all comments regarding the above-referenced proposed Rules from interested persons no later than 10:00 a.m. on Tuesday, March 30, 2010.

Written comments must be sent to: Commissioner, Georgia Department of Revenue, 1800 Century Blvd. NE, Suite 15300, Atlanta, GA 30345-3205.

Electronic comments must be sent to regcomments@dor.ga.gov. Facsimile comments must be sent to (404) 417-6651.

Please reference "Notice Number ATD 2010-13" on all comments.

Dated: February 22, 2010



Bart L. Graham
Commissioner
Department of Revenue

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-13 ALCOHOLIC BEVERAGE CATERING

560-2-13-.01 Alcoholic Beverage Catering; Qualifications – Alcoholic Beverage Catering.

- This Rule provides that any establishment that complies with the provisions contained in Georgia laws and regulations, shall be authorized to sell, transport, deliver and dispense alcoholic beverages for which a license was obtained.
- This Rule provides for the requirements necessary for a caterer to qualify as an alcoholic beverage caterer.
- This Rule provides for changes in the Code.
- This Rule was last amended in 1993.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-13
ALCOHOLIC BEVERAGE CATERING**

**560-2-13-.01 Alcoholic Beverage Catering Events;
Authorized - Alcoholic Beverage Catering.**

(1) Any establishment which obtains and holds all the required licenses and permits and otherwise complies with the provisions contained in these regulations shall be authorized to sell, transport, deliver and dispense Alcoholic Beverages for which a license was obtained.

(2) In order to qualify as an Alcoholic Beverage caterer, the caterer must satisfy the following requirements:

(a) The caterer must be the holder of either:

1. A valid state liquor Retailer license;
2. A Retail Consumption Dealer license;
3. A retail beer dealer license; or
4. A retail Wine dealer license.

(b) The caterer must also be the holder of:

1. A valid local Alcoholic Beverage license;
2. A valid local Alcoholic Beverage catering license;
3. A valid local catering event permit issued by the local governing authority in the jurisdiction where the event is to be held.

(3) The caterer may only sell Alcoholic Beverages for which a license has been obtained.

Authority: O.C.G.A. §§ 3-2-2, 3-3-1, and 3-11-5.

SYNOPSIS

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-13
ALCOHOLIC BEVERAGE CATERING**

560-2-13-.02 Requirements; Restrictions; Prohibitions – Alcoholic Beverage Catering.

- This Rule provides requirements and restrictions on a licensed alcoholic beverage caterer.
- All sales of alcoholic beverage in connection with a catered event shall be at time of delivery or not more than five (5) days in advance.
- Distilled spirits that contain more than ten (10) percent alcohol by volume may not be sold in containers smaller than 750 ml.
- Broken packages shall be the property of the event sponsor.
- The licensed alcoholic beverage caterer must provide the staff necessary to handle alcoholic beverages, and said person(s) all of whom must be at least twenty-one (21) years of age.
- This Rule provides for grammatical changes.
- This Rule provides for changes in the Code.
- This Rule was amended in 1993.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-13
ALCOHOLIC BEVERAGE CATERING**

**560-2-13-.02 Requirements; Restrictions;
Prohibitions – Alcoholic Beverage Catering.**

(1) All sales of Alcoholic Beverages in connection with an authorized catered event shall be paid for in cash at or before the time of delivery.

(a) All other Alcoholic Beverage sales will be subject to restrictions and requirements imposed by other Department regulations.

(b) The acceptance of checks, debit cards and credit cards shall be deemed the same as cash and are subject to the requirements and restrictions imposed by other Department regulations.

(2) No Distilled Spirits which exceed ten percent (10%) alcohol by volume may be sold in containers smaller than 750 ml in connection with an authorized catered event.

(3) All sales are final and in no case will broken Packages of Alcoholic Beverages be removed or returned by the licensed Alcoholic Beverage caterer from the site of the authorized catered event to his or her place of business or any other location.

(a) All returns of unbroken Packages must be documented on the Quantity-Destination report.

(b) Under no circumstances shall Alcoholic Beverages be returned to the caterer's inventory on a Sunday.

(c) Return of unbroken Packages of Alcoholic Beverages shall be handled as a "no sale."

(d) Leftover broken Packages of Alcoholic Beverages shall be the property of the event sponsor.

(4) The licensed Alcoholic Beverage caterer must provide all personnel needed to handle the Alcoholic Beverages at the authorized catered event.

(a) This shall include, but is not limited to:

1. Bartending services.
2. Dispensing.
3. Serving.
4. Providing, or furnishing Alcoholic Beverages.

(b) Employees of a licensed Alcoholic Beverage caterer must be twenty-one (21) years of age or older in order to handle Alcoholic Beverages at any authorized catered event.

(5) The sale of Alcoholic Beverages shall only be allowed on Sunday by an Alcoholic Beverage caterer if the sale is authorized on Sunday by Georgia Laws and local ordinances.

(6) It shall be a violation of these regulations for a licensed Alcoholic Beverage caterer to violate a local ordinance with respect to the sale and transportation of Alcoholic Beverages in connection with an authorized catered event.

(a) Except as provided for in these regulations, there shall be no other transportation of Alcoholic Beverages by Retailers or Retail Consumption Dealers.

(7) The licensed Alcoholic Beverage caterer shall notify the Commissioner in writing of the site of the authorized catered event.

(a) The notification shall also contain any other information as the Commissioner may require.

(b) The notification must be received five (5) working days prior to the authorized catered event.

(8) The licensed Alcoholic Beverage caterer shall keep on file at his place of business for no less than three (3) years:

(a) All Beverage Alcohol Quantity/Destination Reports on Form ATT-CA-1;

(b) Local catering event permits;

(c) The names and identification information of all personnel assigned to work the function.

(d) All other documents, records and reports required by Georgia Law and other Department regulations.

(9) The licensed Alcoholic Beverage caterer is required to notify sponsors of authorized catered events of the authority of the Commissioner or his agents to enter upon the premises of an authorized catered event for the purpose of inspection and enforcement of these regulations and all other laws and regulations pertaining to the sale, possession, dispossession and distribution of Alcoholic Beverage.

Authority: O.C.G.A. §§ 3-2-2, 3-3-1, and 3-11-5.

PROPOSED

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-13 ALCOHOLIC BEVERAGE CATERING

560-2-13-.03 Transportation and Delivery – Alcoholic Beverage Catering.

- This Rule provides the requirements and restrictions that an alcoholic beverage caterer is subject to when transporting alcoholic beverages.
- This Rule provides that delivery of alcoholic beverages is to be made only in connection with an authorized catered event, and that the caterer is subject to all of the Department's rules and regulations governing the transportation of alcoholic beverages by retailers and retail consumption dealers.
- This Rule provides that transportation of alcoholic beverages shall be made only by persons at least twenty-one (21) years of age, in unbroken containers and served at the authorized catered event.
- This Rule provides for grammatical changes.
- This Rule provides for changes to the Code.
- This Rule was last amended in 1993.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-13
ALCOHOLIC BEVERAGE CATERING**

**560-2-13-.03 Transportation and Delivery –
Alcoholic Beverage Catering.**

(1) The transportation and delivery of Alcoholic Beverages by a licensed Alcoholic Beverage caterer is subject to the following requirements and restrictions:

(a) Delivery of Alcoholic Beverages by a licensed Alcoholic Beverage caterer shall be made only in connection with a permitted catered event.

(b) Deliveries not meeting the requirements as set forth in these regulations shall be a violation of these regulations and other Department regulations governing the transportation of Alcoholic Beverages Retailers and Retail Consumption Dealers.

(c) Violation of these regulations shall be cause for the suspension or revocation of Licensee's Alcoholic Beverage licenses and/or forfeiture of Licensee's bond by the Commissioner.

(d) All Alcoholic Beverages transported in violation of these regulations shall be declared contraband and subject to seizure by the Commissioner or his agents.

(e) The transportation and delivery of Alcoholic Beverages shall be made in unbroken Packages only to the permitted event site by the Licensee of an Alcoholic Beverage catering establishment or employees of the Licensee who are twenty-one (21) years of age or older.

(f) Vehicles used by a licensed Alcoholic Beverage caterer for the transportation and delivery of Alcoholic Beverages in connection with a permitted catered event shall be marked only with the state license number.

1. The lettering shall be two (2) inches high and one (1) inch wide on each side of the vehicle.

2. No other wording or advertisements relating to the catering service shall be allowed.

(g) While transporting and delivering Alcoholic Beverages in connection with an authorized catered event, the licensee or the employee of the licensed Alcoholic Beverage caterer shall have in his or her possession:

1. A copy of the caterer's valid state Alcoholic Beverage license.

2. A copy of the caterer's valid local Alcoholic Beverage catering license.

3. A copy of the caterer's valid local Alcoholic Beverage catering event permit from the local governing authorities in the jurisdiction the event is being held.

4. The Alcohol Beverage Catering Quantity/ Destination Report.

(h) Delivery of all Alcoholic Beverages by a Licensee to an authorized catered event must be made in unbroken containers.

(g) The serving of all Alcoholic Beverages at the authorized catered event must be by the drink.

Authority: O.C.G.A. §§ 3-2-2, 3-3-1, and 3-11-5.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-13 ALCOHOLIC BEVERAGE CATERING

560-2-13-.04 Violations – Alcoholic Beverage Catering

- This Rule provides that any violation of these regulations will be considered a violation of the licensee's state alcohol beverage license and the licensee will be subject to penalties set forth in these regulations.
- This Rule provides for grammatical changes.
- This Rule provides for changes in the Code.
- This Rule was amended in 1993.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-13
ALCOHOLIC BEVERAGE CATERING**

**560-2-13-.04 Violations - Alcoholic Beverage
Catering.**

Any violation of these regulations will be considered a violation of the Licensee's state Alcoholic Beverage license and will be cause for the suspension or revocation of the license and/or the forfeiture of the Licensee's bond.

Authority: O.C.G.A. §§ 3-2-3, 3-3-1, 3-3-2, 3-4-22, 3-5-25.1, 3-6-21, 3-11-5.